BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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In the Matter of	)	
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Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them	)	PR Docket No. 92-235

To: The Commission

COMMENTS OF THE INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION, INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC. AND NATIONAL ASSOCIATION OF STATE EMERGENCY MEDICAL SERVICE DIRECTORS

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SUMMARY

The International Municipal Signal Association, the International Association of Fire Chiefs, Inc., and the National Association of State Emergency Medical Service Directors applaud the Commission's initiative to improve efficiency in the Private Land Mobile Radio Services. Responsive to the Commission's proposal, IAFC/IMSA/NASEMSD recommend the following:

(i) Adoption of the LMCC proposal on migration deadlines and power limits;

(ii) Retain the discrete Public Safety Radio Services, with a common Public Safety Pool comprised of the Local Government Radio Service and certain channels created by the narrowbanding process;

(iii) Maintain the discrete Public Safety Service coordinators, with coordination of the Public Safety Pool being provided by the all the Public Safety coordinators;

(iv) Refrain from imposing equipment retrofitting requirements on rural licensees, subject to those licensees not causing harmful interference to narrowband users; and

(v) Maintain mobile relay operations in the VHF band.

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I.

STATEMENT OF INTEREST

IAFC is a voluntary professional membership society. Its more than 9,000 members, comprised of senior fire officials, are dedicated to the protection of life and property throughout the United States and abroad. IAFC is the major national professional association representing the interests of senior fire service managers.

IMSA is a non-profit organization devoted to the development and use of electrical signalling and communications systems in the furtherance of public safety. The members of IMSA include representatives of federal, state, county, city, township and borough governmental bodies and representatives of governmental bodies from foreign nations. Organized in 1896, IMSA is the oldest organization in the world dedicated to the public safety use of radio technology.

NASEMSD is the national organization of the administrators of the Emergency Medical Services programs in

Collectively, IMSA/IAFC are recognized by the Commission as the frequency coordinating committee for the Fire Radio Service and the newly-created Emergency Medical Radio Service, and, in conjunction with the National Association of Business and Educational Radio, Inc., constitute the recognized coordinating committee for the Special Emergency Radio Service. IAFC, IMSA and NASEMSD are jointly planning for implementation of the new Emergency Medical Radio Service and have developed a program for continued cooperation in the ongoing administration of the EMRS. IAFC, IMSA and NASEMSD regularly express their views before the Commission on issues affecting the Public Safety and Special Emergency Radio Services.

IMSA/IAFC/NASEMSD agree with the premise underlying the Commission's refarming proposal that there is a growing need to increase the efficiency of the spectrum below 512 MHz. The current environment is severely overcrowded in major urbanized areas. The growth of metropolitan areas, new system applications (e.g., personal monitors for on-scene fire suppression personnel), increased networking for mutual aid, and the need for discrete safety systems for particular functions (e.g., hazardous materials incident response) all are placing ever greater demands on the RF spectrum. The ability to accommodate the many new demands for spectrum while still preserving the quality of reception necessary

for public safety communications is seriously threatened. Accordingly, IAFC/IMSA/NASEMSD applaud the Commission's initiative in moving forward with improving spectrum efficiency.

Notwithstanding the foregoing, and as discussed in the LMCC comments filed April 28, 1993 in this proceeding, relieving spectrum congestion is not the sole governing principle which must guide the Commission in this rulemaking. Spectrum congestion largely is an urban condition. Accordingly, the solutions adopted by the Commission must take into account rural users who do not require increased spectrum capacity. Moreover, the Commission must consider cost/benefit analysis, even with regard to urban users. The benefits must exceed the burdens, and transition provisions must be practical. These considerations particularly are important to public safety users, including Fire and Emergency Medical Service agencies, which are under stringent budgetary limitations and often are subject to lengthy funding cycles. IAFC/IMSA/NASEMSD are concerned that the Commission's current proposal does not adequately address the specific concerns of the public safety licensees, especially those in the emergency rescue, fire and police services. Therefore, IMSA/IAFC/NASEMSD set forth several suggested revisions to

the Commission's proposal which treat the particular concerns of public safety licensees.

II.

COMMENTS

A. IMSA/IAFC/NASEMSD Support LMCC's Proposal On Migration Deadlines and Power Limits.

IMSA and IAFC are members of the Land Mobile Communications Council (LMCC), and IAFC/IMSA/NASEMSD have reviewed the consensus plan submitted to the Commission on April 28, 1993. IAFC/IMSA/NASEMSD support the separate migration plans for UHF and VHF channels and maintain that movement to a 6.25 kHz bandwidth should be reviewed at a later date after the industry has had ample opportunity to analyze the experience at 12.5 kHz and the benefit of further experience with narrow-band systems. With regard to the migration plan for the VHF band, IMSA/IAFC/NASEMSD urge the Commission to adopt LMCC's "Option A" as its strategy for narrow-banding the 150-174 MHz band. This option would comport with public safety licensees' budget processes for equipment retrofit and replacement.

IAFC/IMSA/NASEMSD also support LMCC's alternative power limitations proposal. The Commission's proposal does not consider that power requirements varies depending on terrain, frequency and service. The reduction of currently authorized power will adversely affect signal reception,

which vary depending on the geographic contour of the area and the propagation characteristics of the operating band. In particular, the proposed reduction will reduce coverage and reliability in rural areas. The LMCC proposal sets forth a formula for the frequency coordinator to utilize in determining a licensee's power requirement. The frequency

IMSA/IAFC/NASEMSD also support LMCC's recommendations enhancing the authority of the coordinators to recommend power limits and linking exclusivity to power and height limits.

B. Public Safety Frequency Allotment Plan.

The Commission's NPRM would consolidate the current 19 radio services into three specific categories or pools -- Public Safety Radio Service, Non-Commercial Radio Service, and Specialized Mobile Radio Service -- and one general pool. The proposed Public Safety Pool includes first-responder Public Safety services such as Police, Fire and Emergency Medical Services (EMS), as well as other public safety licensees such as Forestry-Conservation, Highway Maintenance and the catch-all Local Government Radio Service. All channels currently specified for use by these various groups would be pooled together, and all public safety licensees would share frequency assignments. Additionally, channels within the Public Safety Pool would

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object to this proposal. Regardless of whether new equipment meets the 12.5 kHz channeling parameters, existing

be interleaved with channels from other service pools in the bands below 450 MHz.

IAFC/IMSA/NASEMSD strongly urge the Commission to recognize the uniqueness of public safety licensees in refarming the radio spectrum. Without taking a position on the consolidation of industrial and land transportation radio services, IMSA/IAFC/NASEMSD respectfully submit that the Commission must maintain discrete frequency pools for public safety users. Moreover, the Commission should maintain, as envisioned by the Notice and as currently exists, a Public Safety Pool for common access by Public Safety users.

The discrete service pool concept is essential to public safety in that first-responders require unfettered access to radio communications. This can be achieved only by assigning frequencies for use by similarly situated users, e.g., fire companies sharing with fire companies, police departments with police departments, and EMS entities with EMS entities.3/ This is simply illustrated by noting that one major incident -- a fire or a hazardous materials spill -- could involve all three first-responder services. The Fire Service would be called for suppression and containment, the police for crowd and traffic control, and

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3/ This does not preclude inter-service sharing under appropriate circumstances, as currently is available.

the EMS agencies to provide victim and on-scene responder medical needs. All three agencies must operate simultaneously; they cannot afford to compete for radio channel access, and none can preempt the others.4/

4/ For these reasons, the vertical stacking concept advanced in the Notice is infeasible in the Public Safety services.

Additionally, the Commission proposes to allow Public Safety licensees to access frequencies assigned to the non-commercial and general pool. With two (2) exceptions, IMSA/IAFC/NASEMSD believe that such a proposal is inappropriate and unworkable, at least insofar as first-responders are concerned. As noted above, Public Safety entities cannot effectively share with other Public Safety entities; and accordingly, without a common service mandate, they could not effectively share with non-Public Safety licensees. From a practical standpoint, in major metropolitan areas the non-commercial channels already are congested. As to newly-created channels, Public Safety entities cannot compete with the commercial community for channel access due to planning and budgetary processes. Thus, the practical benefits of such eligibility would be extremely small, if any.

The two exceptions to the foregoing concern (i) shared, low-power 72-76 MHz band frequencies, and (ii) the Special Emergency Radio Service channels. With regard to the 72-76 MHz band channels, which are not included in "refarming," the Commission in providing for Fire Call Box Operations on ten (10) low-power 72-76 MHz frequencies stated that inclusion of the twenty (20) low-power frequencies recently made available in PR Docket 91-295 would be addressed in this rulemaking. Fire Call Box Operations, PR Docket No. 92-153, at n.2 (FCC 93-215, released May 18, 1993). IAFC and IMSA urge that such authority be granted herein. Second, in establishing the Emergency Medical Radio Service, the Commission provided, as a transitional measure, for continued eligibility of EMRS licensees in the Special Emergency Radio Service inasmuch as the Emergency Medical Service providers previously had been eligible in the SERS and frequency use had been combined. Accordingly, for the foreseeable future, that cross-eligibility must be

(continued...)

Moreover, as previously indicated, new channel requirements are arising. In the Fire Service these include fire-ground personnel monitoring, hazardous materials incident response coordination, enhanced mutual aid, etc. The latter functions require inter-jurisdictional coordination. Efficient system operations require discrete channel assignments for such functions, whether by Commission allotment and use limitations in the frequency table or through a frequency management plan adopted by the service coordinator. Management of the spectrum through a public safety pool cannot facilitate such planning, but rather would detract from providing such capabilities. Moreover, with EMS, fire and police channels already at saturation in the major metropolitan areas, the pooling of channels offers no benefits to the user community.

Additionally, under the proposed channel assignment plan for the VHF band, new channels developed through

This is inappropriate for two reasons. First, trunking would be impractical without adjacent channel assignments. Second, having disparate services on adjacent channels, particularly during transition periods, likely would result in substantial adjacent channel interference, especially in that it would be difficult to coordinate adjacent channel assignments because users within these categories, such as SMRs, cover wide service areas.

To meet public safety needs, IMSA/IAFC/NASEMSD recommend the following:

(i) Maintaining the discrete Public Safety services, i.e., Emergency Medical, Fire, Police, Highway Maintenance and Forestry-Conservation Radio Services;

(ii) Redesignate the Local Government Radio Service as the Public Safety Pool, with common access and eligibility by all Public Safety eligible licensees;

(iii) Assign channels newly-created by narrow-banding to the Public Safety radio service adjacent on both sides of the newly created channel(s);

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at the UHF bands. IAFC/IMSA/NASEMSD nonetheless maintain that discrete channels must be assigned to the various public safety users within these blocks.

(iv) Assign newly-created channels which do not fall between channels of the same Public Safety service, but rather fall between channels of different services, to the Public Safety Pool; and

(v) In each Public Safety service, provide for cross-service eligibility specifically for trunked or otherwise combined communications systems operated by, or under the direction of, a political jurisdiction.

This approach would allow maximum flexibility and utilization of spectrum for and by public safety entities. The integrity of first-responder systems would be maintained; and frequency growth would be provided for the existing services to meet new needs caused by jurisdictional growth, technological advancements, the increasing array of communications services, and the demands imposed by new laws. Contemporaneously, an enhanced Public Safety Pool would be provided; and provision would be made for trunked or other commonly-managed systems which combine Public Safety communications within a city, county or state.

C. Frequency Coordination.

The Commission has proposed, in conjunction with pooling of Public Safety frequencies into a master pool, that all Public Safety frequency coordinators be certified

to coordinate all channels in the Public Safety Pool in an open coordination process. In Section II.B. above, IMSA/IAFC/NASEMSD have proposed retention of the discrete Public Safety Radio services and the creation of a new Public Safety Pool comprised of certain new channels created by the frequency "refarming" process and the Local Government Radio Service. Under this approach, IAFC/IMSA/NASEMSD urge the Commission to retain the recognized frequency coordinators for the discrete services and to implement the open coordination process for the Public Safety Pool.

The concept underlying the certification of coordinators for the discrete service pools is that said coordinators are representative of the eligible licensees. See Frequency Coordination in the Private Land Mobile Radio Services (PR Docket 83-737), 61 R.R.2d 148, 151 and 153 (1986) (P&F) (stating that each service group has its own representative that is representative of a particular service community). That rationale is as valid today as it was when the first adopted. IAFC, which represents senior management in the Fire Service, and IMSA, which has a long relationship with IAFC and has coordinated Fire Service channels for decades, know Fire Service operations and requirements. Inasmuch as the Fire Service through the United States provides the preponderance of emergency

medical services, and recognizing that NASEMSD represents the State EMS organizations, IAFC, IMSA and NASEMSD are fully familiar with these communications operations and requirements as well. Such intimate knowledge or representation of Fire and Emergency Medical Service operations cannot be claimed by those involved in Highway Maintenance, Forestry Conservation or other Public Safety Services, or vice-versa. Thus, in maintaining discrete frequency pools, it is both rational and necessary to maintain the designated, certified coordinator system.

For the Public Safety Pool, the Commission's open coordination process is appropriate. The Public Safety Pool, like the Local Government Service which precedes it, is an amalgamation of Public Safety interests. The Fire and other discrete services use the Local Government channels for overflow when an in-service frequency cannot be effectively coordinated. These channels also service local government administrative functions and those functions

Pool work efficiently for the benefit of the user community, the coordinators must electronically exchange data on a current basis to inform one another of their coordination data and of their coordination actions. IAFC/IMSA/NASEMSD strongly urge the Commission to adopt such a requirement, with the proviso that the data exchange requirement could be satisfied by inputting into a common database agreed to among the coordinators.

D. Rural Licensees.

The genesis of the Commission's proposal to enhance utilization of the private land mobile radio spectrum lies in the increasing congestion problems surrounding the availability of spectrum below 512 MHz in the metropolitan areas.6/ The problems of frequency congestion do not reach into every town and hamlet of America. To the extent rural America is not experiencing spectrum congestion, it should not be subjected to compliance with costly solutions. Many Fire Service and EMS providers operate through volunteer departments. Funding is a particular concern to those agencies in that they must depend on fundraisers and donations for funding, and such therefore, rural licensees do not have the financial resources to convert their

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6/ For purposes of these comments, urban areas are those within 100 miles of the top 100 urban markets designated in Section 88.1601. All other territory is deemed rural.

equipment by 1996, the Commission's proposed deadline for converting to 12.5 MHz bandwidth. Moreover, refarming will not produce any tangible benefits to these licensees. Ultimately, conversion will occur as local conditions dictate the need to secure assignments on the newly-created channels, as mutual aid arrangements dictate the need to conform to the narrow-band standards, or as equipment maintenance and replacement considerations make continued operation of the existing equipment uneconomic.

Therefore, IMSA/IAFC/NASEMSD propose that conversion should not be mandatory for rural licensees, provided, of course, that by remaining with their existing equipment and

community. Therefore, IAFC/IMSA/NASEMSD urge the Commission to maintain mobile relay operations in the VHF band.

III.

CONCLUSION

WHEREFORE, THE PREMISES CONSIDERED, the International Association of Fire Chiefs, Inc., the International Municipal Signal Association and the National Association of State Emergency Medical Service Directors, for the reasons set forth herein, respectfully request that the Federal Communications Commission modify its proposal to accommodate the distinct needs of the Public Safety licensees in accordance with the recommendations set forth herein.

Respectfully submitted,

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